

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MARTA DAVILA TORRES,  
Plaintiff

v.

CASE NUMBER: 05-1202 (HL)

INDUSTRIAL COMMISSION OF PUERTO  
RICO, et al.  
Defendants

**ORDER**

Before the Court is Magistrate Judge Camille Vélez-Rive's Report and Recommendation (Docket No. 19). In her thoughtful and comprehensive Report and Recommendation, Magistrate Justo Vélez-Rivé recommends that defendants' motion to dismiss (Docket No. 12) be granted in part and denied in part. To this date, plaintiff has not filed objections to the Magistrate Judge's Report and Recommendation.

After a careful review of the record the Court finds no reason to disturb Magistrate Vélez-Rivé's well-reasoned Report and Recommendation. The Court agrees with the Magistrate Judge's conclusion that plaintiff's claims for monetary damages under section 1983 against the Commission and co-defendants Charriez and Rivera, in their official capacities, are insupportable as a matter of law. See e.g., Vicente Martell v. Estado Libre Asociado de Puerto Rico, 48 F.Supp.2d 81, 92 (D.P.R. 1999). However, plaintiff's claims for monetary damages under section 1983 for political discrimination, retaliation and constructive discharge against co-defendants Charriez and Rivera, in their individual capacities, survive the motion to dismiss challenge. In addition, the Court in its discretion will exercise supplemental jurisdiction over plaintiff's state law claims over co-defendants.

In view of the aforementioned, the Court hereby **APPROVES** and **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. The motion to dismiss (Docket No. 12) is hereby **GRANTED in part and DENIED in part**. Plaintiff's section 1983 against the Commission and the co-defendants, in their official capacities, are hereby **DISMISSED**. The Motion to dismiss is **DENIED** as to plaintiff's section 1983 claims against co-defendants Charriez and Rivera, in their individual capacities, and as to the state law claims.

S/ HECTOR M. LAFFITTE  
U.S. District Judge

Date: 11-8-05

